

**REPLY UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER, ART UNIT 3622**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:  
Jain et al.

Atty. Docket No.: JP920030155US1

Serial No.: 10/699,173

Group Art Unit: 3622

Filed: October 31, 2003

Examiner: Affaf Ahmed

For: TARGETING SHOPPERS IN AN ONLINE SHOPPING ENVIRONMENT

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**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.116**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Request for Reconsideration After Final is in response to the Final Action mailed June 3, 2009, setting a three-month statutory period for response. This Request for Reconsideration After Final is timely filed to take advantage of the Expedited Procedure provisions of 37 C.F.R. §1.116.

## **IN THE CLAIMS:**

The present claims are as follows:

1-42. (Canceled).

43. (Previously Presented) A computer-implemented method for targeting individual shoppers, who participate in online group shopping, by a merchant, said method comprising:

- collecting, by a computer server, individual shopper data regarding choices of individual shoppers when shopping online individually;
- collecting, by said computer server, individual shopper data regarding choices of individual shoppers when participating in group shopping as group shopper data, said group shopping comprising multiple individuals making at least one group purchase;
- determining, by said computer server, a shopper-group interaction measure from said individual shopper data and said group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group performing said group shopping,

wherein said previous interactions comprise at least one of:

- an individual shopper making a proposal to the shopping group;
- said individual shopper voting on a proposal;
- said individual shopper paying for a shopper's individual share of the at least one group purchase; and
- said individual shopper paying for the at least one group purchase; and

wherein said shopper-group interaction measure comprises an index, comprising at least one of:

- a shopper affinity index, said shopper affinity index being determined by at least one of:

- a number of times an individual shopper has voted with other members of the shopping group;

a number of times said individual shopper's proposal has been voted for by other members of the shopping group;

a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and

a number of shopping groups to which said individual shopper belongs;

a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals;

a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and

an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group; and

wherein said index, comprising said shopper-group interaction measure, is specified by said merchant;

determining, by said computer server, targeted information, to be targeted to said targeted individual shoppers, based on said shopper-group interaction measure; and

sending, by said computer server, said targeted information to targeted individual shoppers.

44-52. (Canceled)

53. (Previously Presented) The method of claim 43, wherein said targeted information is determined by at least one of:

a rule based on information determining said index, said rule being specified by said merchant, and

an adaptive algorithmic rule based on information determining said index.

54. (Previously Presented) The method of claim 53, wherein said rule specified by said merchant and said adaptive algorithmic rule further determine said targeted individual shoppers.

55. (Previously Presented) The method of claim 53, wherein said rule specified by said merchant is based on a particular promotion of goods or services by said merchant.

56. (Previously Presented) The method of claim 53, wherein said adaptive algorithmic rule learns from at least one of:

- said shopper affinity index,
- said leadership index,
- said conformity index, and
- said assertiveness index.

57. (Previously Presented) The method of claim 56, wherein said adaptive algorithmic rule further learns from said shopper-group interaction measure to decide whether to target information to a group or to said targeted individual shoppers.

58. (Previously Presented) A computer-implemented method for targeting individual shoppers, who participate in online group shopping, by a merchant, said method comprising:  
collecting, by said computer server, individual shopper data regarding choices of individual shoppers when shopping online individually;

- determining, by said computer server, individual shopper profiles from the individual shopper data;

- collecting, by said computer server, individual shopper data regarding choices of individual shoppers when participating in group shopping as a group shopper profile, said group shopping comprising multiple individuals making at least one group purchase;

- determining, by said computer server, a shopper-group interaction profile from said individual shopper profile and said group shopper profile, said group shopper profile comprising

a record of previous interactions between individuals within a shopping group of individuals performing said group shopping,

wherein said previous interactions comprise at least one of:

an individual shopper making a proposal to the shopping group;

said individual shopper voting on a proposal;

said individual shopper paying for a shopper's individual share of the at least one group purchase; and

said individual shopper paying for the at least one group purchase; and

wherein said shopper-group interaction profile comprises an index, comprising at least one of:

a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group;

a maturity index based on an individual shopper's knowledge, normative behavior, or identification;

a group youthfulness index based on subcultural elements of purchase history and browsing records; and

a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length; and

wherein said index, comprising said shopper-group interaction profile, is specified by said merchant;

determining, by said computer server, targeted information, to be targeted to said targeted individual shoppers, based on said individual shopper profiles, said group shopper profile, and said shopper-group interaction profile; and

sending, by said computer server, said targeted information to targeted individual shoppers.

59. (Previously Presented) The method of claim 58, wherein said targeted information is determined by at least one of:

a rule based on information determining said index, said rule being specified by said merchant, and

an adaptive algorithmic rule, based on information determining said index.

60. (Previously Presented) The method of claim 59, wherein said rule specified by said merchant and said adaptive algorithmic rule further determine said targeted individual shoppers.

61. (Previously Presented) The method of claim 59, wherein said rule specified by said merchant is based on a particular promotion of goods or services by said merchant.

62. (Canceled)

63. (Previously Presented) The method of claim 59, wherein said adaptive algorithmic rule further learns from said shopper-group interaction measure to decide whether to target information to a group or to individual shoppers.

64-65. (Canceled).

66. (Previously Presented) The method of claim 58, wherein said individual profile comprises information on demographics, income, purchase history, navigation history, and preferences.

67. (Previously Presented) The method of claim 59, wherein said adaptive algorithmic rule further learns from a shopping context measure derived from the individual shopper data.

68. (Previously Presented) An online shopping system for targeting individual shoppers, who participate in online group shopping, by a merchant, said system comprising:

a plurality of shopper terminals;  
a server connected to an online merchant site; and  
said online shopping system connected to said plurality of shopper terminals and said server connected to said online merchant site by a communications link, and wherein said server includes:

an input/output interface;  
a memory configured to collect and store individual shopper data via said input/output interface regarding choices of individual shoppers when shopping online individually, and individual shopper data regarding choices of individual shoppers when participating in group shopping as group data, said group shopping comprising multiple individuals making at least one group purchase;

a processor configured to:  
determine a shopper-group interaction measure from the individual shopper data and the group shopper data, and said group shopper data comprising a record of previous interactions between individuals within a shopping group performing said group shopping,

wherein said previous interactions comprise at least one of:

an individual shopper making a proposal to the shopping group;  
said individual shopper voting on a proposal;  
said individual shopper paying for a shopper's individual share of  
the at least one group purchase; and  
said individual shopper paying for the at least one group purchase;

and

wherein said shopper-group interaction measure comprises an index,  
comprising at least one of:

a shopper affinity index, said shopper affinity index being  
determined by at least one of:

a number of times an individual shopper has voted with  
other members of the shopping group;

a number of times said individual shopper's proposal has been voted for by other members of the shopping group;

a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and

a number of shopping groups to which said individual shopper belongs;

a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals;

a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and

an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group; and

wherein said index, comprising said shopper-group interaction measure, is specified by said merchant;

determine targeted information, to be targeted to said targeted individual shoppers, based on said shopper-group interaction measure; and

send, by said server, said targeted information to targeted individual shoppers.

69-77. (Canceled).

78. (Previously Presented) The system of claim 68, wherein said index is specified by said merchant.

79. (Previously Presented) The system of claim 68, wherein said targeted information determined by at least one of:



a rule based on information determining said index, said rule being specified by a merchant, and

an adaptive algorithmic rule based on information determining said index.

80. (Previously Presented) The system of claim 79, wherein said targeted individual shoppers are based on one of a merchant rule and said adaptive algorithmic rule.

81. (Previously Presented) The system of claim 79, wherein a merchant rule is based on a particular promotion of goods or services by said merchant.

82. (Previously Presented) The system of claim 79, wherein said adaptive algorithmic rule learns from at least one of:

said shopper affinity index,

said leadership index,

said conformity index, and

said assertiveness index.

83. (Previously Presented) The system of claim 80, wherein said said adaptive algorithmic rule further learns from the shopper-group interaction measure to decide whether to target information to a group or to individual shoppers.

84. (Previously Presented) A computer program storage medium readable by computer, tangibly embodying a computer program of instructions executable by the computer to perform a method for targeting individual shoppers, who participate in online group shopping, by a merchant, said method comprising:

collecting, by said merchant, individual shopper data regarding choices of individual shoppers when shopping online individually;

collecting, by said merchant, individual shopper data regarding choices of individual shoppers when participating in group shopping as group shopper data, said group shopping comprising multiple individuals making at least one group purchase;

determining a shopper-group interaction measure from said individual shopper data and said group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group performing said group shopping,

wherein said previous interactions comprise at least one of:

an individual shopper making a proposal to the shopping group;

said individual shopper voting on a proposal;

said individual shopper paying for a shopper's individual share of the at least one group purchase; and

said individual shopper paying for the at least one group purchase; and

wherein said shopper-group interaction measure comprises an index, comprising at least one of:

a shopper affinity index, said shopper affinity index being determined by at least one of:

a number of times an individual shopper has voted with other members of the shopping group;

a number of times said individual shopper's proposal has been voted for by other members of the shopping group;

a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and

a number of shopping groups to which said individual shopper belongs;

a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals;

a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and

an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group; and

wherein said index, comprising said shopper-group interaction measure, is specified by said merchant;

determining targeted information, to be targeted to said targeted individual shoppers, based on said shopper-group interaction measure; and

sending, by said merchant, said targeted information to targeted individual shoppers.

## **REMARKS**

Claims 43, 53-61, 63, 66-68, and 78-84 are pending in the application. Applicants respectfully submit that the listing of claims in the Final Office Action, mailed 06/03/2009, is incorrect. Based on the claims of the Amendment filed on 03/12/2009, Applicants include discussion of pending claims 55, 61, 63, and 67-68 in the Argument section, below.

Applicants respectfully request reconsideration of the rejections to the claims in view of the arguments, below.

Claims 43, 68, and 84 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 43, 68, and 84 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 7,219,072 to Sundaresan, in view of U.S. Patent Application Publication 2002/0103746 to Moffett, JR., hereinafter, Moffett.

Claims 53-55 and 78-81 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sundaresan, in view of Moffett, and further in view of U.S. Patent No. 6,298,348 to Eldering.

Claims 58 and 59-61 also stand rejected under 35 U.S.C. §103(a) as unpatentable over Sundaresan, in view of Moffett, and further in view of U.S. Patent No. 6,298,348 to Eldering.

Applicants respectfully traverse the rejections based on the following discussion. The following paragraphs are numbered for ease of future reference.

### **I. The 35 U.S.C. §112, Second Paragraph, Rejection**

[0001] Claims 43, 68, and 84 stand rejected under 35 U.S.C. §112, second paragraph.

[0002] It is a fact that the Final Office Action states, "Claims 43, 68, and 84 recite the limitation of: *wherein said shopper-group interaction measure is determined based on any of a shopper affinity index, leadership index, conformity index and an assertiveness index*. It is unclear what Applicant is referring to by *shopper-group interaction measure based on any of a shopper affinity index, leadership index, conformity index and assertiveness index*. The shopper-group measure is already determined in the determination step from individual data and group shopping data." (Final Office Action, mailed 06/03/2009, page 6, section 11).

[0003] It is a fact that claims 43 and 84 recite in relevant part, and claim 68 similarly recites in relevant part,

"wherein said shopper-group interaction measure comprises an index, comprising at least one of:

a shopper affinity index ... ;  
a leadership index ... ;  
a conformity index ...; and  
an assertiveness index ...".

[0004] Hence, the Final Office Action is incorrect when it recites the relevant limitation as "*wherein said shopper-group interaction measure is determined based on any of ... .*" (Final Office Action, mailed 06/03/2009, page 6, section 11). Instead, the correct limitation recites, "wherein said shopper-group interaction measure comprises an index". (emphases added).

[0005] From claim 43 above (and similarly, claims 68 and 84), it is evident to one of ordinary skill in the art that a shopper-group interaction measure comprises an index, comprising any of: a shopper affinity index; a leadership index; a conformity index; and an assertiveness index". Each of these indices, in turn, is determined by individual shopper data and group shopper data. For example, "... said shopper affinity index being [is] determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs", where the various numbers of times or number of shopping groups are examples of individual shopper data and group shopper data.

[0006] Thus, the shopper-group interaction measure comprises an index, where the index is determined from individual shopper data and group shopper data.

[0007] Likewise, claim 58 recites in relevant part,

"determining a shopper-group interaction profile from said individual shopper profile and said group shopper profile, said group shopper profile comprising a record of previous

interactions between individuals within a shopping group of individuals performing said group shopping,

...

wherein said shopper-group interaction profile comprises an index, comprising at least one of:

a group compatibility and agreement index ...;

a maturity index ...;

a group youthfulness index ...; and

a group harmony index ...".

[0008] From claim 58, above, it is evident to one of ordinary skill in the art that a shopper-group interaction profile comprises an index, comprising any of: a group compatibility and agreement index; a maturity index; a group youthfulness index; and a group harmony index". Each of these indices, in turn, is determined by individual shopper profiles and group shopper profiles. For example, "[the] group compatibility and agreement index [is] based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", where the shopping history of an individual, activities of the individual prior to joining the group, and an individual's behavior after joining the group are examples of individual shopper profiles and group shopper profiles.

[0009] For at least the reasons outlined above, Applicants respectfully submit that claims 43, 68, and 84, and claim 58, particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Therefore, Applicants further respectfully submit that claims 43, 68, and 84, and claim 58, satisfy the statutory requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection of claims 43, 68, and 84 under 35 U.S.C. §112, second paragraph, is respectfully solicited.

## **II. The Prior Art Rejections**

### **A. The 35 U.S.C. 103(a) Rejection over Sundaresan and Moffett**

#### **1. The Sundaresan Disclosure**

[0010] It is a fact that Sundaresan discloses, "A method, apparatus, and article of manufacture for providing co-browsing by users shopping over a computer network, such as an internet. The method comprises: providing a network site offering items for sale; providing to a first user of the network site capability to inform the network site of interest in co-browsing with a second user; providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user; and providing a capability for communication between the interested first and second users while they continue to shop. Users are provided with a window for interfacing with the network site, wherein the window comprises a first pane that displays items for sale and a second pane that displays content of the communication between the first and second user. A proxy server protects identity of the users. The browsing pattern of at least one of the first or second users can be monitored, and users of a common browsing pattern can be identified and informed of the common browsing pattern. The first user can be provided with capability to inform the network site of subject matter of interest to the user. The second user can then be selected based on characteristics the second user shares with the first user, and notified of the characteristics shared with the first user. The capability to inform the network site of interest in co-browsing comprises capability to inform the network site of conditions required for co-browsing." (Abstract).

[0011] It is a fact that Sundaresan discloses, "... the present invention discloses a method, apparatus, and article of manufacture for providing co-browsing for users shopping over a computer network, such as an internet. In one embodiment, the method comprises the steps of: (a) providing a network site offering items for sale; (b) providing to a first user of the network site capability to inform the network site of interest in co-browsing with a second user; (c) providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user; and (d) providing a capability for communication between the interested first and second users while they continue to shop on the network site. Preferably, the capability for communication comprises a proxy server that protects identity of the users." (col.

1, lines 43-56).

[0012] It is a fact that Sundaresan discloses, "In a preferred embodiment, the method further comprises providing the users with a window displayed on the user's computer screen for interfacing with the network site. The window comprises a first pane that displays items for sale and a second pane that displays content of the communication between the first and second user. This window provides the user with the ability to engage in the shopping/browsing experience contemporaneously with a chat session with another shopper, so that the chat session can directly relate to and influence the user's shopping experience while the shopping/browsing is in progress." (col. 1, lines 57-67).

[0013] It is a fact that Sundaresan discloses, "The method can further comprise monitoring the browsing pattern of at least one of the first or second users, identifying at least two users of a common browsing pattern and informing the at least two users of the common browsing pattern. The method can further comprise providing the first user with capability to inform the network site of subject matter of interest to the user. The second user can then be selected based on characteristics the second user shares with the first user, and optionally, notified of the characteristics shared with the first user. The characteristics can include, for example, the subject matter of interest to the user. In one embodiment of the method, the capability to inform the network site of interest in co-browsing comprises capability to inform the network site of conditions required for co-browsing." (col. 2, lines 1-15).

[0014] It is a fact that Sundaresan discloses, "An apparatus for providing co-browsing by users shopping over a network in accordance with the invention can comprise an electronic commerce server connected to the network for offering items for sale, and a co-browsing facility provided by the electronic commerce server. The co-browsing facility allows a first user that is browsing the items for sale to conditionally know whether a second user is also browsing the items for sale and then provides a communication medium for a conversation between the first and second users via the electronic commerce server while the first and second users both continue to browse the items for sale." (col. 2, lines 16-27).

[0015] It is a fact that Sundaresan discloses, "The method of the invention assists e-commerce vendors in attracting and retaining customers. The method provides a facility for



bringing the user's shopping experience closer to familiar, traditional shopping experiences. For example, most shoppers are familiar with the ability to chat with other shoppers browsing similar items in a conventional store, and with the ability to exchange suggestions and recommendations regarding the available selections." (col. 3, lines 10-17).

[0016] It is a fact that Sundaresan discloses, "In addition, the method of the invention can incorporate tracking of shopper navigational behavior and previous visit histories. An e-store can maintain such information in its database and, optionally, use this information to facilitate matching shoppers with other shoppers having similar interests or with whom they have co-browsed in the past. The method can also be used to provide anonymity to co-browsing shoppers. In another aspect of the invention, the method can permit users to set conditions necessary for engaging in co-browsing with other shoppers." (col. 3, lines 18-27).

[0017] It is a fact that Sundaresan discloses, "FIG. 1 is a block diagram of an exemplary hardware environment of the preferred embodiment of the present invention, and more particularly, illustrates a typical computer network 100 that connects one or more clients 102 to one or more servers, such as an e-commerce web server 104. The network 100 preferably comprises the Internet, although it could also comprise intranets, extranets, LANs, PANs, WANs, etc. A typical combination of resources may include clients 102, 108 that are personal computers or workstations operated by shoppers, and servers 104 that are personal computers, workstations, minicomputers, and/or mainframes." (col. 3, lines 34-45).

[0018] It is a fact that FIG. 1 of Sundaresan discloses,

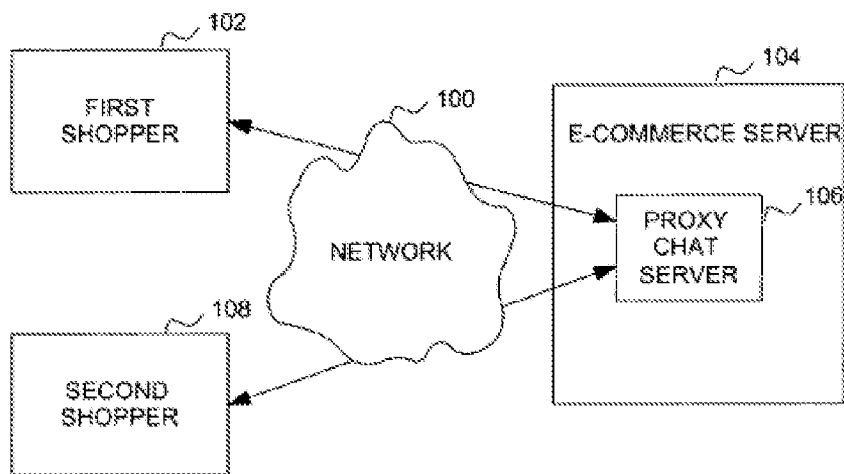


FIG. 1

[0019] It is a fact that Sundaresan discloses, "In a preferred embodiment, shoppers are provided with a window, displayed on the user's computer screen, for interfacing with the network site. The window comprises a first pane that provides access to the e-store and, for example, displays items for sale or information about available items. The window further comprises a second pane that displays content of the communication with one or more co-browsers. This window comprising at least two panes provides the user with the ability to engage in the shopping/browsing experience contemporaneously with a chat session with one or more additional shoppers. This allows the user to participate in a chat session that will directly relate to and influence the user's shopping experience. The ability to chat with fellow shoppers while browsing brings the user's experience closer to a familiar, conventional shopping experience." (col. 4, lines 52-67).

[0020] It is a fact that Sundaresan discloses, "The e-commerce web server 104 can monitor the browsing behavior of shoppers visiting the site. Information can be tracked regarding the items and categories of items viewed by the shopper, search terms entered by the shopper, and the price range or other characteristics of items viewed by the shopper. In addition, the

server 104 can access stored information regarding previous visits and purchases made by the shopper, including past co-browsing behavior, as well as any information about the shopper that may have been provided by the shopper during the current or a previous visit. Users who have previously engaged in co-browsing can be preferentially targeted for co-browsing on return visits. Likewise, those visitors who have declined co-browsing opportunities can be given an opportunity to request no further invitations to co-browse." (col. 5, lines 1-17).

[0021] It is a fact that Sundaresan discloses, "Potential co-browsers can be identified by searching for other shoppers having browsing or purchasing profiles or other characteristics in common with a first shopper. These potential co-browsers, or target shoppers, can then be prompted to consider participating in a chat session by informing the target shopper of the presence of other shoppers having similar characteristics and/or interests. Alternatively, the target shopper may have already indicated an interest in co-browsing, and thus need only be notified of the potential match." (col. 5, lines 18-27).

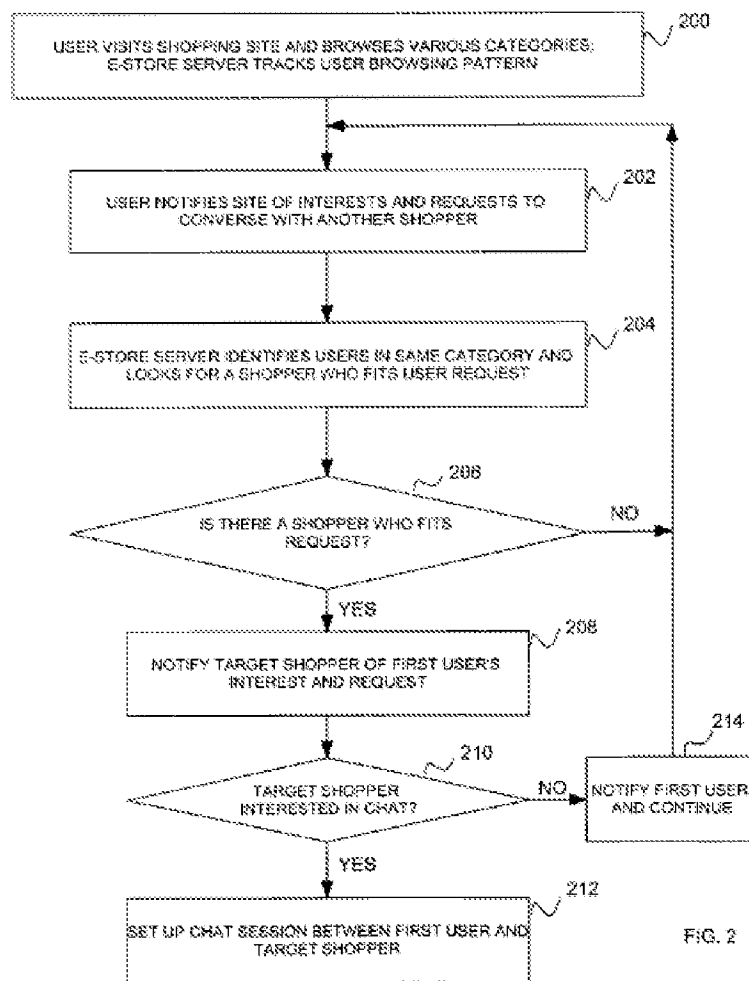
[0022] It is a fact that Sundaresan discloses, "Thus, a first and second shopper can be identified as potential co-browsers and invited to participate in a chat session under a variety of permutations. For example, the first shopper could have requested co-browsing and the second shopper could have been targeted for co-browsing on the basis of the second shopper's browsing or other characteristics. Alternatively, both the first and second shoppers could have initiated co-browsing by request. In another embodiment, both the first and second shoppers were targeted as having common browsing interests and both invited to participate in a chat session. Likewise, additional shoppers could be brought into a chat session, whether by request of the shopper or by invitation from the e-store." (col. 5, lines 28-40).

[0023] It is a fact that Sundaresan discloses, "In one embodiment, shoppers are notified if other shoppers with whom they have previously co-browsed are currently available for co-browsing. This notification can be initiated by either the e-commerce server drawing on stored information, or by a shopper. Shoppers notifying the e-commerce server of their interests or conditions for co-browsing can be provided with an opportunity to indicate other shoppers with whom they have previously co-browsed and to identify those shoppers with whom they would

prefer to co-browse again and/or those with whom they do not wish to co-browse again." (col. 5, lines 41-51).

[0024] It is a fact that Sundaresan discloses, "FIG. 2 is a flowchart illustrating the logic performed when using a method of providing co-browsing in accordance with a preferred embodiment of the invention. Of course, those skilled in the art will recognize that other logic may be used without departing from the scope of the present invention." (col. 6, lines 18-22).

[0025] It is a fact that FIG. 2 of Sundarsan discloses,



## **2. The Moffett Disclosure**

[0026] It is a fact that Moffett discloses, "A group initiative that enables the establishment and control of a group by members of the group, while allowing the personalized requirements of individual members to be maintained as the group pursues the advantages of the collective bargaining power of the group as a whole. One aspect of the present invention is a group initiative for collective bargaining for purchases. Buyers in a particular purchasing group maintain their individuality by defining differing purchasing requirements such as product or service specifications, contract terms, delivery schedules, etc. while they simultaneously present themselves as a cohesive and committed group to the seller community. Sellers also maintain individuality in responding to each buyer in the group with different pricing based on each buyer's requirements and buying profile considering such factors as volumes purchased, payment terms and cost of servicing each potential account in the group." (Abstract).

[0027] It is a fact that Moffett discloses, "With the fast growing and ubiquity of electronic commerce utilizing the Internet, group purchasing from a large seller community can be facilitated online. Buyers from far and near can relatively easily form groups to take advantage of volume purchasing, and/or to obtain bids from many potential sellers. In the past, many processes have been developed for creating and managing purchasing groups for online transactions. Generally, purchasing groups are monitored to determine if and when the size of the group or the aggregated purchase volume has reached a level associated with the seller's agreed volume discount pricing. The condition for group discount pricing may require that a certain number of buyers must have joined the group and commit to purchasing within a certain period of time." (paragraph [0007]).

[0028] It is a fact that Moffett discloses, "... However, despite the complexity of the existing processes, none provides the flexibility to allow for group purchases that address the different concerns and needs of the individual buyers in the purchasing group. In the group purchasing processes described above, the entire group is limited to purchasing a specific product or service in a "one size fits all" manner. There is neither the option nor the facility online to allow for buyers in a particular purchasing group to maintain their individuality by

defining different individual purchasing requirements (such as products, specification, delivery schedule, individual pricing, contract terms, payment terms, audit procedures, etc.) and yet be able to take advantage of the combined buying power of the group purchase. The formation of the purchasing groups does not provide sufficient option for the buyers to maintain control of the group, such as group definition, leadership, norms, values, commitment, buyers and sellers qualification, bidding procedures, timing, etc., factors which represent the buyers to the seller community as a unified and committed buying group, while still allowing each member of the group to uniquely retain their individuality and control pertinent to their purchase." (paragraph [0014]).

[0029] It is a fact that Moffett discloses, "It is therefore desirable to provide a process that eliminates the goals and practices of standardization of products purchased, contract terms and pricing for all buyers in a group as practiced by the prior art and instead enables all buyers to retain their individual requirements and preferences while purchasing in a group environment." (paragraph [0015]).

[0030] It is a fact that Moffett discloses, "For the purpose of illustrating the inventive concept, the present invention is described using the example of group initiative for collective bargaining for purchases. The present invention provides the flexibility to establish a purchasing group initiative that addresses the formation and control of the group, and the different concerns and needs of the individual buyers in the purchasing group. A buyer in a particular purchasing group is allowed to maintain their individuality by defining different individual purchasing requirements, such as product or service specification, contract terms, pricing requirements, audit provisions and to achieve at the same time the advantages of the combined buying power of the group. The formation of the purchasing groups provides many options for the buyers to maintain control of the group, such as group definition, membership criteria and invitation, leadership, norms, values, business processes, rules, governance, group management style, buyer commitment, nature of products sought, buyers and sellers qualification criteria, bid/buy game rules, bidding procedures, product sampling process, confidentiality, anonymity, timing, etc., factors which represent the buyers to the seller community as a unified and committed buying group, while still allowing each member of the group to uniquely retain their individuality and

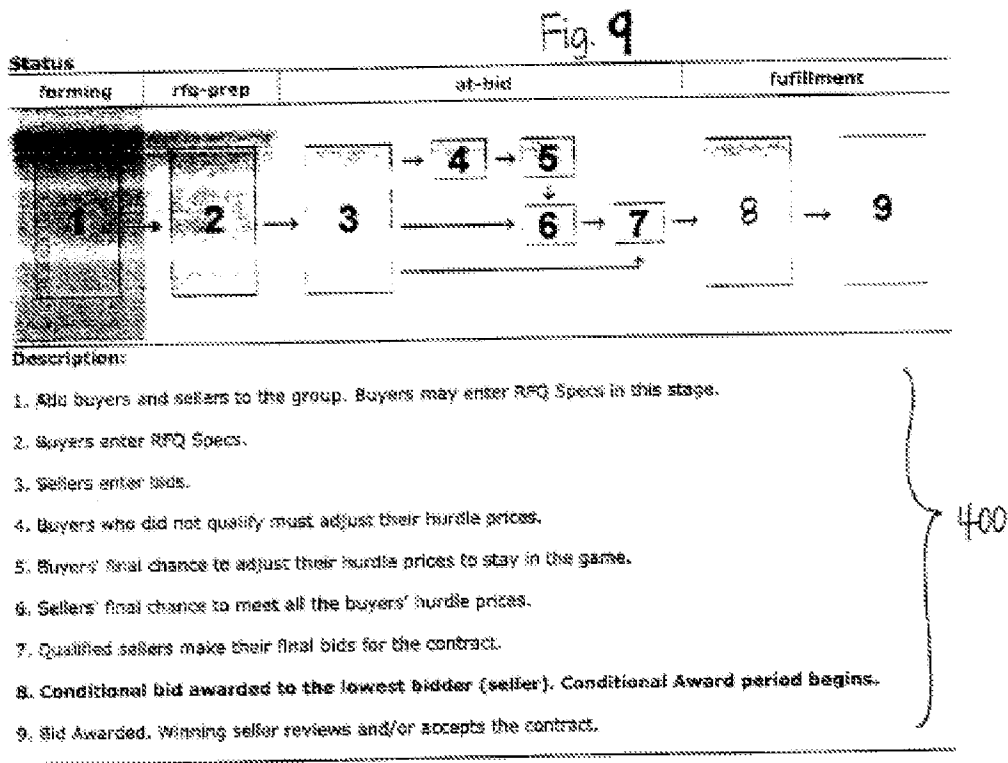
control pertinent to purchase. Third party involvement is not required between buyers and sellers, as buyers and sellers negotiate directly on pricing. However, some or all of the buyers and/or sellers may deal indirectly through brokers, agents, and the like if so desired. To compliment the group purchasing initiative, the present invention provides tools that facilitate, for example, formation of the group initiative, and definition of the purchase requirements and pricing requirements for the individual members within the group." (paragraph [0017]).

[0031] It is a fact that Moffett discloses, "Members (buyers) in the same group do not have to buy the same products. They only have to buy products common to all suppliers invited to bid." (paragraph [0019]).

[0032] It is a fact that Moffett discloses, "The present invention is directed to a customizable group initiative concept for collective bargaining of individual interests. To facilitate an understanding of the principles and features of the present invention, they are explained with reference to its deployments and implementations in illustrative embodiments. By way of example and not limitation, the present invention is described in reference to examples of deployments and implementations of group initiatives designed for collective bargaining for purchasing products and services in an information exchange environment, and more particularly in the Internet environment. The specific embodiments are directed to purchasing of produce, but purchasing of other products and services can be conducted, such as office products, utilities, maintenance services, fuel, packaging, travel, waste removal, batteries etc." (paragraph [0043]).

[0033] It is a fact that Moffett discloses, "Chart 400 in FIG. 9 schematically shows an overview of the process in which the customizable group initiative in accordance with the present invention may be structured for group purchasing, including group formation, goals and operating procedures, creation of product or service specifications, establishing savings goals, RFQ preparation and posting, bidding and fulfillment stages. ... ." (paragraph [0058]).

[0034] It is a fact that FIG. 9 of Moffett discloses,



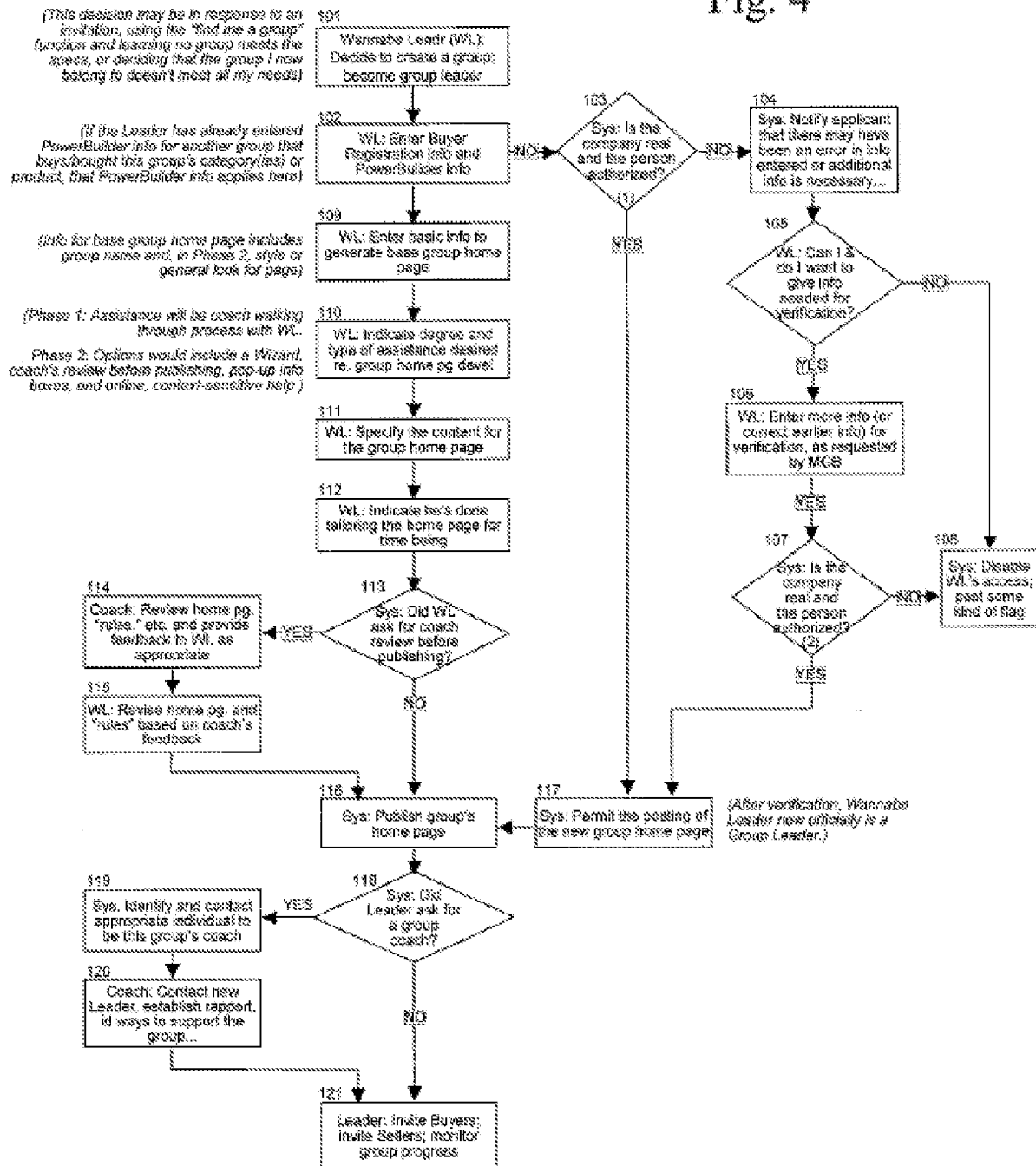
[0035] It is a fact that Moffett discloses, "In FIG. 4, an individual decides to form a new group, thus becoming the group leader (101-102). The leader enters Buyer Registration Information and PowerBuilder information. Buyer Registration Info can include contact information, the industry the buyer is in, product and service category the group will address of interest, and other relevant information about the buyer. ... ." (paragraph [0067]).

[0036] It is a fact that FIG. 4 of Moffett discloses,



# Forming a New Group

Fig. 4



[0037] It is a fact that Moffett discloses, "The leader enters basic information to generate a base group home page, for example information concerning product category to be purchased, length of contract, leader's goals for number of buyers and sellers he wants to attract to the group, bidding instructions, type of bidding process to be employed, qualification criteria for buyers and sellers, group calendar of events (109). The group leader indicates the degree and type of assistance desired from the system 913 regarding the group home page development (110). ... ." (paragraph [0070]).

### **3. Argument**

[0038] It is a fact that the Final Office Action admits, "Sundaresan does not specifically disclose: wherein said shopper-group interaction measure is determined based on leadership index that is determined from records of shopper recommendations of said number of times other shoppers have followed such a recommendation". (Final Office Action, mailed 06/03/2009, page 7, printed lines 7-12).

[0039] It is a fact that the present invention claims at least the features of: "wherein said shopper-group interaction measure comprises an index, comprising at least one of:

a shopper affinity index, said shopper affinity index being determined by at least one of:

a number of times an individual shopper has voted with other members of the shopping group;

a number of times said individual shopper's proposal has been voted for by other members of the shopping group;

a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and

a number of shopping groups to which said individual shopper belongs;

a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals;

a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and

an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent claims 68 and 84.

[0040] In particular, Applicants respectfully submit that nowhere does Sundaresan disclose, teach or suggest at least the present invention's claimed features of: "a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent claims 68 and 84.

[0041] Instead, Sundaresan merely discloses a method and system for co-browsing in electronic commerce, in which "[t]he method comprises: providing a network site offering items for sale; providing to a first user of the network site capability to inform the network site of interest in co-browsing with a second user; providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user; and providing a capability for communication between the interested first and second users while they continue to shop." (Abstract). Nowhere does Sundaresan disclose, teach or suggest at least the present invention's claimed features of a leadership index based on a number of times purchase proposals of an individual shopper have been followed by a shopping group. In fact, nowhere does Sundaresan disclose, teach or suggest a group shopper purchase. Instead, Sundaresan merely discloses co-browsing between two shoppers at a network site.

[0042] Moffett does not cure the deficiencies of Sundaresan immediately above.

[0043] Moffett merely discloses, "... an individual decides to form a new group, thus becoming the group leader (101-102). The leader enters Buyer Registration Information and PowerBuilder information. Buyer Registration Info can include contact information, the industry the buyer is in, product and service category the group will address of interest, and other relevant information about the buyer. ... ." (paragraph [0067] and FIG. 4, above). That is, the group leader of Moffett may form new groups of new buyers and sellers and may conduct a bidding game (please see, FIGS 7A and 7B); however, nowhere does Moffett disclose, teach or suggest at least the present invention's claimed features of: "a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent claims 68 and 84.

[0044] For at least the reasons outlined above, Applicants respectfully submit that Sundaresan and Moffett, either individually or in combination, do not disclose, teach or suggest at least the present invention's claimed features of: "wherein said shopper-group interaction measure comprises an index, comprising at least one of: a shopper affinity index, said shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs; a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals; a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent

claims 68 and 84. Accordingly, Sundaresan and Moffett, either individually or in combination, fail to render obvious the subject matter of previously presented, independent claims 43, 68, and 84 under 35 U.S.C. §103(a). Withdrawal of the rejection of claims 43, 68, and 84 as unpatentable over Sundaresan and Moffett under 35 U.S.C. §103(a) is respectfully solicited.

[0045] In addition, it is a fact that the present invention claims at least the features of:

"wherein said shopper-group interaction profile comprises an index, comprising at least one of:

a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group;

a maturity index based on an individual shopper's knowledge, normative behavior, or identification;

a group youthfulness index based on subcultural elements of purchase history and browsing records; and

a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length", as recited in previously presented, independent claim 58.

In particular, Applicants respectfully submit that nowhere does Sundaresan disclose, teach or suggest at least the present invention's claimed features of: "a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", as recited in previously presented, independent claim 58.

[0046] Instead, Sundaresan merely discloses a method and system for co-browsing in electronic commerce, in which "[t]he method comprises: providing a network site offering items for sale; providing to a first user of the network site capability to inform the network site of interest in co-browsing with a second user; providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user; and providing a capability for communication between the interested first and second users while they continue

to shop." (Abstract). Nowhere does Sundaresan disclose, teach or suggest at least the present invention's claimed features of a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group. In fact, nowhere does Sundaresan disclose, teach or suggest a time series analysis of shopping history of individual shoppers of a shopping group. Instead, Sundaresan merely discloses co-browsing between two shoppers at a network site.

[0047] Moffett does not cure the deficiencies of Sundaresan immediately above.

[0048] Moffett merely discloses, "... an individual decides to form a new group, thus becoming the group leader (101-102). The leader enters Buyer Registration Information and PowerBuilder information. Buyer Registration Info can include contact information, the industry the buyer is in, product and service category the group will address of interest, and other relevant information about the buyer. ... ." (paragraph [0067] and FIG. 4, above). That is, the group leader of Moffett may form new groups of new buyers and sellers and may conduct a bidding game (please see, FIGS. 4, 5A, 5B, 6A, 6B, 7A and 7B); however, nowhere does Moffett disclose, teach or suggest at least the present invention's claimed features of: "a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", as recited in previously presented, independent claim 58.

[0049] Instead, Moffet merely discloses that a group leader may form new groups of new buyers and sellers and may conduct a bidding game (please see, FIGS. 4, 5A, 5B, 6A, 6B, 7A and 7B).

[0050] For at least the reasons outlined above, Applicants respectfully submit that Sundaresan and Moffett, either individually or in combination, do not disclose, teach or suggest at least the present invention's claimed features of: "wherein said shopper-group interaction profile comprises an index, comprising at least one of: a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the

shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group; a maturity index based on an individual shopper's knowledge, normative behavior, or identification; a group youthfulness index based on subcultural elements of purchase history and browsing records; and

a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length", as recited in previously presented, independent claim 58. Accordingly, Sundaresan and Moffett, either individually or in combination, fail to render obvious the subject matter of previously presented, independent claims 58 under 35 U.S.C. §103(a).

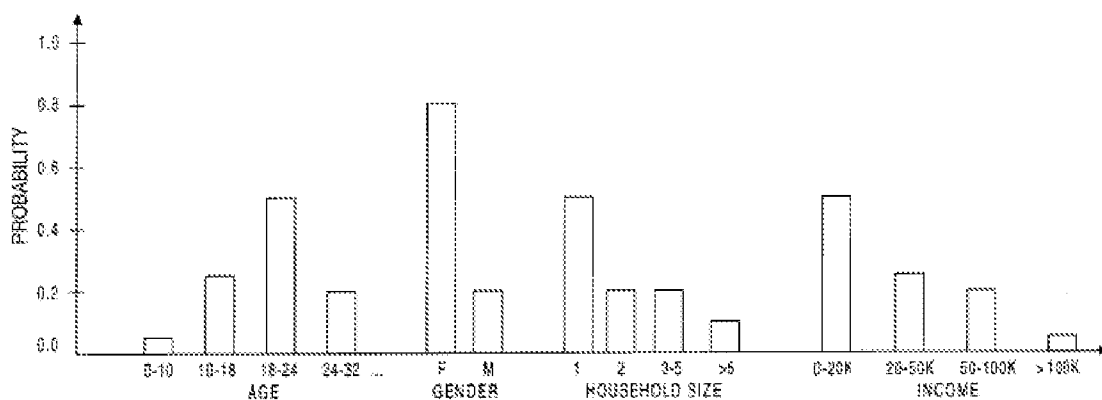
## **B. The 35 U.S.C. 103(a) Rejection over Sundaresan, Moffett, and Eldering**

### **1. The Eldering Disclosure**

[0051] It is a fact that Eldering discloses, "The present invention supports the receipt of consumer purchase information with which consumer characterization vectors are updated based on product characterization information. The consumer characterization vectors include a consumer demographic vector which provides a probabilistic measure of the demographics of the consumer, and a product preference vector which describes which products the consumer has typically purchased in the past, and therefore is likely to purchase in the future. The product characterization information includes vector information which represents probabilistic determinations of the demographics of purchasers of an item, heuristic rules which can be applied to probabilistically describe the demographics of the consumer based on that purchase, and a vector representation of the purchase itself." (col. 2, lines 32-47).

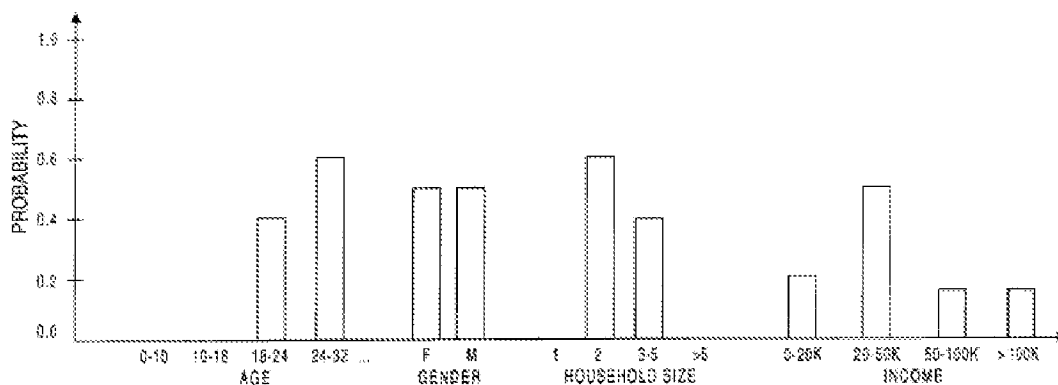
[0052] It is a fact that Eldering discloses, "FIG. 2A illustrates an example of a probabilistic demographic characterization vector. The demographic characterization vector is a representation of the probability that a consumer falls within a certain demographic category such as an age group, gender, household size, or income range." (col. 6, 55-59).

[0053] It is a fact that FIG. 2A of Eldering discloses,



[0054] It is a fact that Eldering discloses, "FIGS. 3A and 3B represent an ad demographics vector and an ad product preference vector respectively. The ad demographics vector, similar in structure to the demographic characterization vector, is used to target the ad by setting the demographic parameters in the ad demographics vector to correspond to the targeted demographic group. As an example, if an advertisement is developed for a market which is the 18-24 and 24-32 age brackets, no gender bias, with a typical household size of 2-5, and income typically in the range of \$20,000-\$50,000, the ad demographics vector would resemble the one shown in FIG. 3A." (col. 7, line 64 to col. 8, line 7).

[0055] It is a fact that FIG. 3A of Eldering discloses,



[0056] It is a fact that Eldering discloses, "In a preferred embodiment the consumer characterization vectors shown in FIGS. 2A-C and the ad characterization vectors represented in



FIGS. 3A and 3B have a standardized format, in which each demographic characteristic and product preference is identified by an indexed position. In a preferred embodiment the vectors are singly indexed and thus represent coordinates in n-dimensional space, with each dimension representing a demographic or product preference characteristic. In this embodiment a single value represents one probabilistic or deterministic value (e.g. the probability that the consumer is in the 18-24 year old age group, or the weighting of an advertisement to the age group)." (col. 8, lines 43-55).

[0057] It is a fact that Eldering discloses, "In an alternate embodiment a group of demographic or product characteristics forms an individual vector. As an example, age categories can be considered a vector, with each component of the vector representing the probability that the consumer is in that age group. In this embodiment each vector can be considered to be a basis vector for the description of the consumer or the target ad. The consumer or ad characterization is comprised of a finite set of vectors in a vector space that describes the consumer or advertisement." (col. 8, lines 56-65).

## **2. Argument**

[0058] Eldering merely discloses that consumer purchase information is used to update consumer characterization vectors based on product characterization information. The consumer characterization vectors include a consumer demographic vector which provides a probabilistic measure of the demographics of the consumer, and a product preference vector which describes which products the consumer has typically purchased in the past, and therefore is likely to purchase in the future. The product characterization information includes vector information which represents probabilistic determinations of the demographics of purchasers of an item, heuristic rules which can be applied to probabilistically describe the demographics of the consumer based on that purchase, and a vector representation of the purchase itself. (col. 2, lines 32-47).

[0059] It is a fact that the present invention claims at least the features of: "wherein said shopper-group interaction measure comprises an index, comprising at least one of:

a shopper affinity index, said shopper affinity index being determined by at least one of:

a number of times an individual shopper has voted with other members of the shopping group;

a number of times said individual shopper's proposal has been voted for by other members of the shopping group;

a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and

a number of shopping groups to which said individual shopper belongs;

a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals;

a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and

an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent claims 68 and 84.

[0060] In particular, Applicants respectfully submit that nowhere does Eldering disclose, teach or suggest at least the present invention's claimed features of: "a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent claims 68 and 84.

[0061] Instead, Eldering merely discloses that consumer purchase information is used to update consumer characterization vectors based on product characterization information. The

consumer characterization vectors include a consumer demographic vector which provides a probabilistic measure of the demographics of the consumer, and a product preference vector which describes which products the consumer has typically purchased in the past, and therefore is likely to purchase in the future. The product characterization information includes vector information which represents probabilistic determinations of the demographics of purchasers of an item, heuristic rules which can be applied to probabilistically describe the demographics of the consumer based on that purchase, and a vector representation of the purchase itself. (col. 2, lines 32-47). Nowhere does Eldering disclose, teach or suggest at least the present invention's claimed features of a leadership index based on a number of times purchase proposals of an individual shopper have been followed by a shopping group. In fact, nowhere does Eldering disclose, teach or suggest a group shopper purchase. Instead, Eldering merely discloses that consumer purchase information is used to update consumer characterization vectors based on product characterization information. (col. 2, lines 32-47).

[0062] In addition, it is a fact that the present invention claims at least the features of:

"wherein said shopper-group interaction profile comprises an index, comprising at least one of:

- a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group;

- a maturity index based on an individual shopper's knowledge, normative behavior, or identification;

- a group youthfulness index based on subcultural elements of purchase history and browsing records; and

- a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length", as recited in previously presented, independent claim 58.

[0063] In particular, Applicants respectfully submit that nowhere does Eldering disclose, teach or suggest at least the present invention's claimed features of: "a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers

of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", as recited in previously presented, independent claim 58.

[0064] Instead, Eldering merely discloses that consumer purchase information is used to update consumer characterization vectors based on product characterization information. The consumer characterization vectors include a consumer demographic vector which provides a probabilistic measure of the demographics of the consumer, and a product preference vector which describes which products the consumer has typically purchased in the past, and therefore is likely to purchase in the future. The product characterization information includes vector information which represents probabilistic determinations of the demographics of purchasers of an item, heuristic rules which can be applied to probabilistically describe the demographics of the consumer based on that purchase, and a vector representation of the purchase itself. (col. 2, lines 32-47). Nowhere does Eldering disclose, teach or suggest at least the present invention's claimed features of a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group. In fact, nowhere does Eldering disclose, teach or suggest a time series analysis of shopping history of individual shoppers of a shopping group. Instead, Eldering merely discloses that consumer purchase information is used to update consumer characterization vectors based on product characterization information. (col. 2, lines 32-47).

[0065] For at least the reasons outlined above with respect to the rejection of previously presented, independent claims 43, 68, and 84 under 35 U.S.C. §103(a) over Sundaresan and Moffett, the additional arguments for distinguishing previously presented, independent claim 58 over Sundaresan and Moffett, and for at least the reasons outlined immediately above with respect to the rejection of the claims over Eldering in combination with Sundaresan and Moffett, Applicants respectfully submit that Sundaresan, Moffett and Eldering, either individually or in combination, do not disclose, teach, or suggest at least the present invention's claimed features of: "wherein said shopper-group interaction measure comprises an index, comprising at least one

of: a shopper affinity index, said shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs; a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals; a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group", as recited in previously presented, independent claim 43, and as similarly recited in previously presented, independent claims 68, and "wherein said shopper-group interaction profile comprises an index, comprising at least one of: a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group; a maturity index based on an individual shopper's knowledge, normative behavior, or identification; a group youthfulness index based on subcultural elements of purchase history and browsing records; and a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length", as recited in previously presented, independent claim 58. Accordingly, Sundaresan, Moffett and Eldering, either individually or in combination, fail to render obvious the subject matter of previously presented, independent claims 43, 58, and 68, and dependent claims 53-55, 59-61, and 78-81 under 35 U.S.C. §103(a). Withdrawal of the rejection of claims 53-55, 58, 59-61, and 78-81 under 35 U.S.C. §103(a) as unpatentable over Sundaresan, Moffett and Eldering is respectfully solicited.

[0066] In addition, for the identical reasons argued immediately above, Applicants respectfully submit that Sundaresan, Moffett and Eldering, either individually or in combination, fail to render obvious the subject matter of previously presented, independent claims 43, 58, and 68, and dependent claims 56, 57, 63, 66-68, and 82-83 under 35 U.S.C. §103(a).

### **III. Formal Matters and Conclusion**

Claims 43, 53-61, 63, 66-68, and 78-84 are pending in the application.

For at least the reasons outlined above, Applicants respectfully submit that the present claims satisfy the statutory requirements of 35 U.S.C. §112, second paragraph.

With respect to the rejections of the claims over the cited prior art, Applicants respectfully argue that the present claims are distinguishable over the prior art of record. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 43, 53-61, 63, 66-68, and 78-84, all the claims presently pending in the application, are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Dated: July 28, 2009

/Peter A. Balnave/

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